

REMARKS

Claims 1 - 26, 29, 36 and 41 - 64 have been canceled by a prior amendment without prejudice or disclaimer of the subject matter thereof.

Claim 40 has been canceled by the subject amendment without prejudice or disclaimer of the subject matter thereof. Applicants reserve the right to pursue the subject matter of any of the canceled claims in the subject application and/or subsequently filed continuing applications.

Claims 27 and 34 have been amended.

Claims 27 - 28, 30 - 35, 37 - 39 and 65 - 76 are present and pending in the subject application.

In the Office Action of May 1, 2008, the Examiner has issued a restriction requirement. Applicants elect with traverse Species V with claims 34 - 35 and 74 - 76 directed to Figs. 8 - 9.

The Examiner takes the position in support of the restriction requirement that there is an examination and search burden for the patentably distinct species due to their mutually exclusive characteristics.

However, the Examiner has issued the restriction requirement after examining the pending claims, and even indicating the presence of patentable subject matter. Accordingly, there is absolutely no additional burden on the Examiner at this point to warrant the restriction requirement, and Applicants respectfully request the restriction requirement to be withdrawn.

Applicants contacted the Examiner regarding the restriction requirement. The Examiner provided a communication indicating that claims 30 - 33, 39 and 68 - 73 are allowable, and

suggesting cancellation of claim 40 and amendments to claims 27 and 34 to enable allowance of the application and rejoinder of the non-elected claims. The suggested claim amendments include amending claim 27 to recite a base member having a groove formed therein to receive an IV line, and amending claim 34 to recite the temperature sensor bottom surface having a cross-section that has the shape of, and contacts, the closed bottom surface of the receptacle.

Accordingly, claim 40 has been canceled, and claims 27 and 34 have been amended in accordance with the Examiner's suggestions. These amendments do not reflect the propriety of the Examiner's position, but rather, are for purposes of expediting prosecution of the subject application.

In view of the foregoing, Applicants respectfully request the Examiner to find the application to be in condition for allowance with claims 27 - 28, 30 - 35, 37 - 39 and 65 - 76. However, if for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is respectfully requested to call the undersigned attorney to discuss any unresolved issues and to expedite the disposition of the application.

Filed concurrently herewith is a Petition (with payment) for an Extension of Time of Three Month(s). Applicants hereby petition for any extension of time that may be necessary to maintain the pendency of this application. The Commissioner is hereby authorized to charge payment of any additional fees required for the above-identified application or credit any overpayment to Deposit Account No. 05-0460.

AMENDMENT IN RESPONSE TO OFFICE ACTION MAILED AUGUST 10, 2007
APPLICATION NO. 10/849,251

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Respectfully submitted by:

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